IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO. 2400 OF 2007

IN

FIRST APPEAL (St.) NO. 1574 OF 2007

Prakash Vasudeo Deodhar... .....Applicant.
Versus
The Special Land Acquisition Officer,
Raigad, Alibag... ... Respondents.

-: WITH :-

CIVIL APPLICATION NO. 2401 OF 2007
IN
FIRST APPEAL (St.) NO. 1576 OF 2007

Laxman Mahadu Nigrose..... .....Applicant.
Versus
The Special Land Acquisition Officer,
Raigad, Alibag... ... Respondents.

-: WITH :-

CIVIL APPLICATION NO. 2402 OF 2007
IN
FIRST APPEAL (St.) NO. 4878 OF 2007

Manohar Atmaram Atavane (since
decd.) through his L.Rs.... ..... Applicants.
Versus
The Special Land Acquisition Officer,
Metro Centre No.1, Panvel.. ... Respondents.

Mr. S.M.Kamble for the Applicants.

Mr. K.K.Tated for the Respondents.

CORAM : SWATANTER KUMAR, C.J. &
SMT.RANJANA DESAI, J.

DATED : 17TH JULY, 2007.

P.C.:

These are the applications for condonation of delay in filing the present appeals.

2. The reason given in support of argument that there was cause for not filing appeals within the prescribed period of limitation is that there was flood in July, 2005 and the entire village was covered by water. The houses of the applicants were destroyed. They needed the money more urgently for resettling their houses and day-to-day needs and because of financial constraints they could not file appeals within time.

3. The only opposition to the grant of this prayer is that the amounts awarded to the applicants under the Awards were paid to them and this money was available with them. The delay is intentional and no sufficient cause has been shown.

4. It is true that the provisions of the Limitation Act in the recent times have been construed somewhat liberally by the Court. Once the cause shown in the application for condonation of delay falls within the ambit and scope of the expressions given in Section 5 of the Limitation Act, the Court should condone the delay rather than shutting the door for adjudication of the dispute on merits. In any case, these are the cases of compulsive acquisition. The fact that the lands of the applicants were acquired and taken away on payment of compensation would normally be a circumstance for declining the condonation. But the fact of the matter is that the houses of the applicants were completely flooded and more urgent need of livelihood and resettlement was obviously given preference by the applicants than filing the appeals. It may be true that each day's delay has not been properly explained by the applicants but the period of delay has been compositely explained and we find that sufficient cause is shown for not filing the appeal in time.

5. Consequently, we condone the delay in filing the

above appeals. The above civil applications are allowed and are disposed of, accordingly.

6. The above appeals be registered and listed for hearing on 13th August, 2007 along with First Appeal (Stamp) Nos. 31164 of 2006, 31158 of 2006, 4858 of 2007, 4875 of 2007, 4860 of 2007, 4854 of 2007, 4872 of 2007, 4841 of 2007 and 4753 of 2007.

Sd/-

CHIEF JUSTICE

Sd/-

SMT.RANJANA DESAI, J.